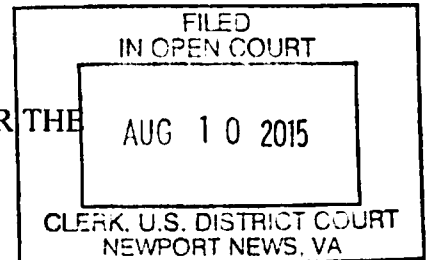


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Newport News Division



UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 4:15cr37
)	
SEAN B. FOOTE,)	
)	
Defendant.)	

STATEMENT OF FACTS

If this matter were to proceed to trial, the United States of America would prove beyond a reasonable doubt, by competent and admissible evidence, the following facts:

1. From on or about August 6, 2014, August 18, 2014, and September 4, 2014, a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) in Richmond, Virginia and an Investigator with the Hanover County Sheriff's Office, on different dates, used internet-connected computers and launched programs to search for image and video files involving the sexual exploitation of children. Between August 6, 2014 and September 4, 2014, these law enforcement officials downloaded at least three (3) files that contained images of child pornography from a certain IP address located in Newport News, Virginia.
2. A subsequent investigation found that all of the above-noted downloads came from a home located at an address on North Green Drive in the City of Newport News.
3. SEAN B. FOOTE (hereinafter "FOOTE"), the defendant herein, resided at the address on North Green Drive in the City of Newport News at the time of the above-noted downloads.

A handwritten signature in black ink, appearing to be "J. J. [unclear]", with the initials "KCG" written below it.

4. A federal search warrant was obtained for the address on North Green Drive in the City of Newport News on March 23, 2015 by Federal Bureau of Investigation (FBI) Task Force Agent Heather Call.

5. The Federal Bureau of Investigation is an agency within the Department of Justice of the United States and has jurisdiction to investigate crimes involving the sexual exploitation of children.

6. On March 26, 2015, agents and Task Force Agents (TFAs) with the FBI, along with agents from the Department of Homeland Security (DHS) and officers from the Newport News Police Department, conducted a search of the residence on North Green Drive pursuant to a lawfully obtained search warrant. During the course of this search, law enforcement learned that several individuals, including FOOTE, had moved out of the residence on North Green Drive in or about February 2015 to an address on Melrose Terrace in the City of Newport News.

7. Law enforcement responded to the address on Melrose Terrace in the City of Newport News. FOOTE was present at that location. FOOTE was advised that law enforcement officers were investigating internet activity at his home and agreed to speak with FBI TFA Heather Call and FBI Special Agent Jack Moughan.

8. During the course of his interview, FOOTE permitted law enforcement to enter the residence and to preview electronic devices and media storage items for the presence of child pornography.

9. FOOTE told the interviewing agents, in sum and substance, that he owned the desktop computer located in his bedroom and that this computer was password protected. FOOTE acknowledged to downloading and viewing pornography. Although he initially denied searching for, downloading, or viewing child pornography, FOOTE ultimately acknowledged that

Handwritten signature and initials, possibly "J2" or "J2a", with "KCG" written below it.


he looks at a wide variety of child pornography. FOOTE stated that he had been downloading child pornography periodically for approximately three (3) to five (5) years. FOOTE also acknowledged that he owned an Asus laptop computer. FOOTE estimated that approximately fifteen (15) to twenty (20) movies containing child pornography were saved in a shared folder on that computer. FOOTE explained that this folder was hidden on his desktop and not accessible to anyone else using the laptop. FOOTE retrieved this laptop from behind his bed and provided law enforcement with the password needed to access it. FOOTE stated that no one else knew about the child pornography on his computer and that he was solely responsible for the child pornography detected by law enforcement.

10. The Asus laptop that FOOTE turned over to law enforcement is more precisely described as an Asus Laptop, serial number D1N0CV456778043, with an HGST hard drive, model 0J26213, serial number 76JGNB1A.

11. On April 6, 2015, a federal search warrant was obtained for this laptop by FBI TFA Heather Call.

12. On or about April 14, 2015, Department of Justice Forensic Examiner, R. E. Jones completed a forensic analysis on the Asus laptop recovered from FOOTE at the address on Melrose Place in the City of Newport News. Located on this computer were several file sharing programs, as well as thirty-six (36) movies of child pornography and one (1) movie notable for sadistic and masochistic abuse of a minor, all as defined in Title 18, United States Code, § 2256(2)(A)-(B) and (8) and the United States Sentencing Commission Guidelines.

13. The defendant's Asus laptop computer and hard drive that contained child pornography were manufactured outside the Commonwealth of Virginia.

Handwritten signature and initials in the bottom right corner of the page. The signature appears to be "JD" followed by "AK" and "KCG" below it.

14. The defendant's Asus laptop, throughout the time periods as delineated in the Indictment, had access to the Internet, which is an interconnected network of computers with which one communicates when online, and that this network crosses state and national borders.

15. The defendant admits that he knowingly received the following image that depicts child pornography, as detailed in Count Six of the Indictment. Specifically, the defendant, SEAN B. FOOTE, admits that on or about March 22, 2015, in the Eastern District of Virginia, that he knowingly received material containing an image of child pornography as defined by 18 U.S.C. § 2256(8)(A), to wit: a video entitled "(pthc opva 2014) paradi(3).mp4," depicting a minor engaging in sexually explicit conduct, specifically, actual and simulated masturbation and sadistic and masochistic abuse of an actual prepubescent female minor child. The defendant admits that the video had been mailed and shipped and transported in interstate and foreign commerce by any means, including by a computer. The defendant further admits that the video, constitutes "child pornography," as defined in Title 18, United States Code, § 2256 (2)(A)-(B) and (8).

16. The events described occurred in the Eastern District of Virginia.


17. The defendant stipulates and agrees that his participation in the events described was undertaken knowingly, intentionally, and unlawfully and not as a result of an accident, mistake, or other innocent reason.

Respectfully submitted,

DANA J. BOENTE
United States Attorney

By: Kaitlin C. Gratton
Kaitlin C. Gratton
Assistant United States Attorney


After consulting with my attorney and pursuant to the plea agreement entered into this day between SEAN B. FOOTE and the United States, I hereby stipulate that the above Statement of Facts is a partial summary of the evidence which is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



SEAN B. FOOTE
Defendant

8/10/15
Date

I am SEAN B. FOOTE's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Kirsten Kmet
Counsel for the Defendant

10 August 2015
Date


JF
OK
*CC